

REMARKS

By this Amendment, Applicants amend the specification and claims 1, 2, and 4-16.

In the Office Action dated October 8, 2004, the Examiner: (1) rejected claims 1-8 under 35 U.S.C. § 112, second paragraph, as being indefinite; (2) rejected claims 1-5, 7, 9-13, and 15 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,598,077 (Primak 1) and U.S. Patent No. 6,389,448 (Primak 2); rejected claims 6 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Primak 1 and Primak 2 in view of U.S. Patent No. 6,128,279 (O'Neil); and rejected claims 8 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Primak 1 and Primak 2 in view of U.S. Patent No. 5,606,679 (Cohn).

Claim Rejections – 35 U.S.C. § 112

The Examiner asserts that claim 1 is indefinite because “the data server system” lacks antecedent basis. In response, Applicants have amended the claim to remove the phrase “data server.” Accordingly, Applicants request that the rejection of claims 1-8 under § 112, ¶ 2 be withdrawn and the claims allowed.

Claim Rejections – 35 U.S.C. § 103

Claims 1-5, 7, 9-13, and 15 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Primak 1 and Primak 2. Applicants respectfully traverse these rejections because Primak 1 and Primak 2 do not teach each and every recitation of the claims.

Primak 1 discloses a system for routing dynamic content based on requests made to a web site 100. As shown in Fig. 1, the web site includes a router 10, web servers 20, application servers 30, and databases 40. When the client requests content from the web site 100, the Primak 1 system will determine whether the request relates to stagnant content or dynamic content. (See, e.g., Col. 1, lines 25-37.) Requests for stagnant content are handled by web servers 20, while requests for dynamic content are handled by an appropriate application server 30 that can provide the requested content. (Col. 6, lines 54-67.)

With regard to dynamic requests handled by application servers 30 and databases 40, web site 100 must first identify the dynamic content involved in the client request. (Col. 5, lines 56-59.) In this respect, Primak 1 teaches that web site 100 will identify the dynamic content even though the client request contains no information about the dynamic content. (Col. 5, lines 44-56.) Once the dynamic content has been identified, router 10 will then determine which application server 30 is associated with a database 40 containing the identified dynamic content. (Col. 6, lines 35-53.)

Primak 1, therefore, does not disclose or suggest a plurality of file server devices capable of performing a requested file transfer function with respect to a particular data file identified by a client request, where a selected file server accesses a common storage device to transfer the particular data file identified by the request, as recited in claims 1 and 9. As described above, Primak 1 concerns the routing of dynamic content stored in databases 40, where the dynamic content is not identified in the client request. In other words, the servers 30 and databases 40 are not for performing a file transfer

function with respect to a particular data file identified by a client request. (See Col. 5, lines 44-56.)

Moreover, Primak 1 does not disclose that each application server 30 has access to a common storage device “for storing the particular data file to be transferred in accordance with the client request,” as recited in claims 1 and 9. For example, Primak 1 requires a router 10 that must determine which server 30 is associated with a database 40 storing the requested dynamic content, or which database 40 includes the most recent version of the requested dynamic content. (Col. 6, lines 35-50.) Thus, the Primak 1 system does not route requests to servers 30 having access to a common storage device, as alleged by the Examiner.

The Examiner also relies upon Primak 2 for the disclosure of a virtual address. (Office Action at ¶ 8.) Nothing in Primak 2, however, discloses or suggests the above deficiencies of Primak 1. Further, contrary to the Examiner’s assertions, Primak 2 does not teach or suggest a load balancer associated with a virtual address connection. Instead, each server 10 includes a load balancing module 12 that accepts or discards a request. Therefore, independent claims 1 and 9 are distinguished from Primak 1 and Primak 2 for at least the reasons set forth above. Accordingly, Applicants respectfully request that the rejection of claims 1 and 9 be withdrawn and the claims allowed.

Claims 2-5, 7 and 10-13, 15 depend from claims 1 and 9, respectively. Accordingly, for at least the same reasons set forth above in connection with claims 1 and 9, Primak 1 and Primak 2 fail to disclose or suggest each and every recitation of claims 2-5, 7, 10-13, and 15. Accordingly, Applicants respectfully request that the

rejection of claims 1-5, 7, 9-13, and 15 under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

As to claims 6, 8, 15, and 16, the Examiner rejected claims 6 and 15 under § 103(a) as being allegedly unpatentable over Primak 1, Primak 2, and O'Neil, and rejected claims 8 and 16 under § 103(a) as being allegedly unpatentable over Primak 1, Primak 2, and Cohn. However, claims 6, 8 and 15, 16 depend from claims 1 and 9, respectively. As explained above, claims 1 and 9 are distinguished from Primak 1 and Primak 2. Moreover, O'Neil and Cohn are not relied upon to teach, and, in fact, do not teach or suggest the above-cited deficiencies of Primak 1 and Primak 2. Therefore, claims 6 and 15 are distinguished from Primak 1, Primak 2, and O'Neil and claims 8 and 16 are distinguishable from Primak 1, Primak 2, and Cohn for at least the reasons set forth above with respect to claims 1 and 9. Accordingly, Applicants respectfully request that the rejection of claims 6, 8, 15, and 16 be withdrawn and the claims allowed.

Conclusions

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of pending claims 1-16.

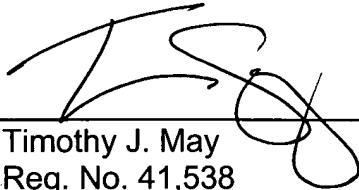
Please grant any extensions of time required to enter this response and charge
any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: February 7, 2005

By: _____


Timothy J. May
Reg. No. 41,538